

REMARKS

I. Election/Restrictions

Previously, the Examiner has required election among Group I, claims 1-13, drawn to an anode for electroplating and Group II, claims 14-19, drawn to an anode for electroplating. Applicant hereby affirms the election of Group I, claims 1-13. Claims 14-19 are cancelled in the foregoing amendment. New method claims 20-29 depend from claim 12 of the elected Group I.

II. Objection to the Specification

Claims 4-13 have been objected to as being in improper form because multiple dependent claims depend from other multiple dependent claims. Applicant has amended claims 4-13 to correct the multiple dependencies.

III. Claim Rejections- 35 USC §112

Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner has rejected claims 12 and 13 for failure to positively recite method steps. Claim 12 has been amended to recite specific method steps. Claim 13 has been cancelled.

IV. Claim Rejections – 35 USC §101

Claims 12 and 13 stand further rejected pursuant to 35 U.S.C. 101, because the claimed recitation of a use, without setting forth process steps results in the improper definition of a patentable process. The §101 defect of claims 12 and 13 has been remedied as described above. In particular, claim 12 has been amended to recite specific method steps and claim 13 has been cancelled.

V. Claim Rejections- 35 USC §102

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Harvey et al. (U.S. 3,875,041). Applicant respectfully submits that the 35 U.S.C. 102(b) rejection of Harvey is inappropriate, because the Harvey reference does not teach each element of the rejected claims. In particular, as described in detail below, Applicant submits that Harvey does not disclose a

shield attached to the anode base which reduces material transport to and from the anode base as specifically recited in independent claim 1 and more specifically recited in claims 2-3.

Harvey et al. is directed to a process and apparatus for electroplating which includes close cathode to anode spacing, insulating convection baffles, and means for generating a sheet of gas bubbles between the cathodes and anodes. The Harvey patent thus describes a convection system resulting in increased current density, while producing plated metal of acceptable purity and mechanical integrity. The Examiner considers the bottom rack 54 of Harvey to be a shield in accordance with claim 1 of the application, in particular a shield which is attached to the anode base at a distance from it and that reduces material transport to and from the anode base.

Applicant respectfully submits that the bottom rack 54 does not anticipate applicant's shield as claimed. According to the Harvey disclosure, the bottom rack 54 is merely intended to maintain the reduced spacing between anode and cathodes. See for example column 7, lines 40-42 where it is stated that the "reduced spacing is maintained by a bottom rack 54." See also (column 8, lines 3-4) where it is stated that the "anode is maintained in position by the bottom rack 54." There is no indication whatsoever in the Harvey reference that the bottom rack 54 has any impact upon material transport to and from the anode.

If one assumes for the sake of argument that the bottom rack 54 would have an impact on the material transport in the electrolytic bath, any reduction of material transport caused by bottom rack 54 would only occur at the bottom portion of anode bottom extension 20 and in no case in the area of the anode 30. In addition, it should be noted that the anode bottom extension 20 is an insulator (column 8, line 1) and thus not part of the anode base. Consequently, any effect the bottom rack 54 has on material transport would be limited to the region of the bottom extension 20 which is not part of the anode base. In summary, applicant submits that Harvey does not teach a shield which reduces material transport to and from the anode base, therefore, the subject matter of claim 1 is novel over Harvey et al.

Applicant further submits that the dependent claims 4-13 serve to further distinguish the Harvey reference. For example, as described above, the bottom rack 54 of Harvey is not connected to the anode base in an electric current-conducting manner as required by claim 8. The claim 8 embodiment results in an electro-static barrier, in addition to a mechanical barrier which electro-static barrier has a beneficial effect on the reduction of additives as described in the application at page 5, last paragraph.

Accordingly, Applicant respectfully submits that all claims as amended are novel in view of the Harvey reference.

For the reasons set forth above, Applicant respectfully submits the claims as filed are allowable over the art of record and reconsideration and issuance of a notice of allowance are respectfully requested. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to deposit account No. 19-5117.

Respectfully submitted,

Date: December 10, 2009

/James L. Brown/
James L. Brown #48,576
Swanson & Bratschun, L.L.C.
8210 Southpark Terrace
Littleton, CO 80120
Telephone: (303) 268-0066
Facsimile: (303) 268-0065

S:\ClientFolders\0183 (Uexkull & Stolberg)\02\OA Response 01.doc